

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-255-02

v.

HONORABLE PAUL L. MALONEY

DANIEL SOLIS-PULIDO,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Daniel Solis-Pulido has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification. Defendant was sentenced to the statutory minimum of 120 months imprisonment. Absent an appropriate motion filed by the Government, the Court has no authority to reduce a sentence below the mandatory minimum. Amendment 782 is of no assistance to the defendant. Accordingly,

IT IS HEREBY ORDERED that Defendant Daniel Solis-Pulido's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 195) is **DENIED**.

Date: June 17, 2015

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge